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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,344	04/20/2004	Jean De Bernardi	116037	2600
25944	7590	08/16/2005	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			ALI, MOHAMMAD M	
			ART UNIT	PAPER NUMBER
			3744	

DATE MAILED: 08/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary	Application No.	Applicant(s)	
	10/827,344	DE BERNARDI ET AL.	
	Examiner	Art Unit	
	Mohammad Ali	3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 5—7, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by MATSUSHITA REIKI KK [MATJ] (JP 2000121210 A). MTJ discloses an electrical connection device of a refrigeration compressor comprising a cabinet/cover 10, at least one support 8/20 for electrical and electronic components 24, 4/5; and a cap/cover 10 having an open side face delimited by an edge whose shape at least partially matches the shape of the side wall/compressor shell 1, the cap/cover being intended to be applied by its open side face against the side wall/compressor shell 1 of the compressor, thus forming a wall of the cabinet/cover 10, support 20 made of metal has holes and able to evacuate liquid residues. See Fig. 1-5 and the enclosed 4 sheets of translation in English language and abstract in the same language.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 3-4, 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over MTJ in view of McCoy (6,752,646) MTJ discloses the invention substantially as claimed as stated above. However MYJ does not disclose a convex cap. McCoy teaches the use of a convex cap 20 with a compressor for the purpose of enclosing and protecting electrical components. See Fig 1. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the cover of MTJ in view of McCoy such that a convex cap could be provided in order to enclose and protect the electrical and electronic components at then side wall of a compressor. Regarding claim 3 for seals, the mating surface of cover 10 and the side surface of compressor shell 1 being similar and in order to protect the electronic and electrical components enclosed by the cover 10, cover 10 should be closely fitted with the side surface of compressor shell 1, moreover the cover being made of plastic it is obvious that a sealing surface is provided with the cover 10. Regarding claim 8 for support made of plastic is an alternative to metal as chosen in claim 9 and it is an obvious choice of an individual skilled in the art to choose alternative material and there is no criticality or unexpected result from it. Regarding claim 10 for cap made of ABS;

the cover of MTJ being made of plastic it is obvious that the plastic is of the same family of ABS as both of them serve the same purpose.

Response to Arguments

Applicant's arguments filed 07/26/05 have been fully considered but they are not persuasive. The Applicant argued, "However, in Matsushita, the side wall of the compressor does not form a wall of the cap when the cap is applied against a side wall of the compressor 1, as recited in independent claim 1. Instead, in Matsushita, the support 8 forms a wall of the cap when the cap is applied against a side wall of the compressor 1. The presence of the support 8 prevents the use of the side wall of the compressor to cool a connection device and the electrical and electronic components it contains. Consequently, it is not possible to use the heat exchange properties of the side wall of the refrigeration compressor to place the electrical and electronic components under favorable conditions of heat exchange. Therefore, heat dissipation of the electrical and electronic components placed inside the connection device brings about high temperatures inside the connection device. Because the components are not placed under favorable conditions of heat exchange, this prevents reducing the size and costs of the components. Thus, Matsushita does not address the problems solved by the invention, in particular to place the electrical components providing command, control and protection functions under favorable conditions of heat exchange.

Mccoey does not make up for the deficiencies of Matsushita.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance.

Favorable reconsideration and prompt allowance are earnestly solicited." The Examiner disagrees. Support bracket 8 is not enough large to cover the entire open face of the covering 10. The support bracket does not have any curved face to flush the curved face of the covering 10. The curved face of the covering 10 clearly indicates its legitimate purpose of flushing the curved surface of the compressor shell 1 and this is clearly shown in Fig. 5. The purpose of bracket is to hold the electronic and electrical components and also helps to lock the covering over itself and makes flush of the covering with the compressor shell to protect the electronic and electrical components. Other way the ultimate purpose of the covering will be null and void. Because, if the covering does not flush with the compressor shell, there will be gaps and ultimately rain water or moisture will inter into the covering and thus the electronic and electrical components will be damaged. The bracket 8 hangs the electronic and electrical components having sufficient space under the covering 10 in a favorable condition and the examiner finds every aspects of the claimed invention are being taught by Matsushita in directly and obviously. Therefore, the rejections are proper. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad Ali whose telephone number is (571) 272-4806. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler can be reached on (571) 272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-4834.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Mohammad M. Ali
August 8, 2005